

Afterwards To Witt on the same first Day of October Anno Dom Seventeen Hundred and twenty Eight in the same Writt mentioned Comes here into Court the Aforesaid Michael Macnemara by William Beckingham his Attorney And Saith that in the Record and Process as also in the Rendering the judgment afs^d it is Manifestly Erred in this To Witt that the judgment afs^d Upon the Demurrer in Law to the replication afs^d of the afores^d Thomas Brooke Esq^r was rendered that the said Thomas Brooke Esq^r Should recover Against the said Michael Macnemara Son and Heir of the said Thomas Macnemara Esq^r As well the Sum of four Hundred and Ninety Seven Pounds fifteen shillings his Debt afs^d as the Sum of One thousand four Hundred and Ninety Nine Pounds of Tobacco his Costs and Damages occasioned by the Detention of that Debt Whereas Judgment Ought to have been rendered thereon that the Said Thomas Brooke Esq^r Should take Nothing by his Writt afores^d But be in Mercy for his false Clamour. It is Likewise Manifestly Erred in this that the judgment aforesaid in form Afores^d Rendered for the Afs^d Thomas Brooke Esq^r against the said Michael Macnemara Son and Heir of the said Thomas Macnemara Esq^r Deced Whereas by the Law of the Land judgment Ought to have been rendered for the said Michael Macnemara Son and Heir of the said Thomas Macnemara Esq^r Deced against the said Thomas Brooke Esq^r

For Which Errors and Many others in the Record and Process as also in rendring the judgment afs^d being the said Michael Macnemara Son and Heir as afs^d Prays that the judgment Afs^d May be reversed and Altogether held for Null and Void and that he to all things which by Occasion of the judgment Afores^d he hath lost may be restored And the afores^d Thomas Brooke Esq^r to the Errors Aforesaid May rejoyne etc:

W Beckingham Per Appell

And Whereupon on the same first Day of October Anno Dom: Seventeen hundred and twenty Eight in the same Court Comes the same Thomas Brooke by Edmond Jennings his Attorney And Thereupon he the said Thomas Brooke having had a hearing of the Errors Afores^d [815] In form afores^d Assigned Prays a Day to the same Errors to imparle And he hath it And thereupon Day is Given to the Parties Aforesaid before the Governour And Councill aforesaid Untill the Sixth Day of Feb^r thereafter Being the first Thursday of the same Month Anno Dom: Seventeen Hundred and Twenty Eight To Witt to the said Thomas Brooke to the Errors Aforesaid to imparle And then to the Errors Aforesaid to Rejoyne.

At Which said Sixth Day of February before his Lordships High Court of Appeals afs^d at the City of Annapolis Aforesaid Comes As well the Afores^d Thomas Brooke by Edmond Jennings his Attorney As the said Michael Macnemara by his said Attorney William Beckingham And the Afores^d Thomas Brooke Saith that Neither in the Record and Process afores^d Nor in the Matters therein Contained Nor in Rendering the Judgment aforesaid it is in